Power to compromise suits and claims.

38. (1) A District Board may compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Regulation, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) A District Board may make compensation out of the District Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Regulation.

Works to be executed by the Government Executive Engineer.

39. (1) All public works requiring a degree of professional skill not at the disposal of the District Board shall, as a rule, be carried out by the Public Works Department unless specially ordered otherwise by the Government.

Works which may be executed by the Local Board Agency.

(2) All other works of the District Board shall be executed by such agency and subject to such supervision as the District Board thinks fit subject to the rules prescribed by the Government in this behalf.

Provided that any such work shall be executed by the Public Works Department in the manner prescribed in sub-section (1), if the Board communicates a desire to that effect.

Payment of expenses incurred by the Public Works Department.

(3) When any work is executed for a District Board by the Public Works Department, the expenses incurred on the work together with the charges for supervision and tools and plant at such rates as may be fixed by the Government shall unless waived by the Government be payable by the Board to the Public Works Department.

Joint Committee.

40. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Council or with more than one such Board or Council in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Councils concerned, and in framing or modifying regulations as to the proceedings of any such Joint Committee.

(2) If any dispute arises between two or more local authorities acting under this section, the decision thereon shall rest with the Government.

Provided that the Government may delegate its power under this section to such officer in such matters and to such extent as may be prescribed by rules framed in this behalf.

Acts of Boards, etc., not to be invalidated.

41. No act of a District Board or of any Committee or of any person acting as a member or as a President, Vice-President, or Chairman shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or member or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President, or member of such Board or Committee or for any other such mere informality.

CHAPTER IV.

PROPERTY AND DUTIES.

Power of District Board to acquire and hold property and to contract.

42. Subject to the rules or orders made by the Government in this behalf consistently with this Regulation, every District Board shall have power to acquire and hold property both movable and immovable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which

may have become vested in or been acquired by it and to contract and to do all other things necessary for the purposes of this Regulation.

Provided that no lease of immoveable property for a term exceeding seven years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government.

Provided also that nothing herein contained shall empower any District Board to raise loans except as provided for in section 72 and without the previous sanction of the Government.

Roads and other property of the old District and Taluk Boards to vest in the District Boards constituted under this Regulation.

43. All roads, bridges, channels, buildings and other property, moveable or immoveable, held by or under the control and administration of, and all institutions committed to the management of, the District and Taluk Boards in each District for the purposes of the Mysore Local Boards and Village Panchayets Regulation, 1918, shall, for the purposes of this Regulation, be under the control, administration and management of the District Board of such District, subject to all rights, if any, existing over and all debts liabilities and obligations, if any, affecting such properties and institutions and subject to the condition that properties and institutions whose administration devolves on the Village Panchayets under the Mysore Village Panchayet Regulation, 1925, shall be vested in the Village Panchayets concerned.

Works constructed by District Board to be vested in it.

44. Every road, building or other work constructed by a District Board from the District Fund shall be vested in the Board by which it has been constructed.

Duties of the District Board.

45. (1) Every District Board, shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, undertake the control and administration of and be responsible for the following matters within the area subject to its authority :—

(*a*) construction, repair and maintenance of public roads and other means of communication ;

(*b*) planting and preservation of trees on the sides of roads and on other public ground ;

(*c*) establishment, management, maintenance and visiting of schools, hospitals, dispensaries, veterinary hospitals, markets, travellers' bungalows, musafirkhanas, rest-houses, and other public institutions, and the construction and repair of all buildings connected with these institutions ;

(*d*) construction and repair of public wells, tanks and water works, supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes ;

(*e*) promotion of vaccination and the appointment and control of vaccinators ;

(*f*) sanitary works and measures necessary for the public health including sanitation during jatras or fairs and festivals ;

(*g*) management of such public ferries as may be entrusted to its charge ;

(*h*) development of the economic condition of the District with special reference to Education, Agriculture and Industries and Commerce ; institution, holding and management of fairs, cattle and agricultural shows and industrial exhibitions ;

(*i*) encouragement and development of Co-operative Societies ;

(*j*) payment of expenses of maintenance and treatment of persons undergoing anti-rabic treatment subject to the general or special orders of the Government ;

(*k*) improvement of the breed of cattle ;

(*l*) maintenance of any building or other property vested in it under this Regulation;

(*m*) with the previous sanction of the Government any public reception, ceremony or entertainment or exhibition;

(*n*) the establishment and maintenance of relief and local relief works in time of famine or scarcity;

(*o*) any other local works or measures likely to promote the health, safety, comfort, convenience, interest or welfare of the public.

(2) Any District Board may, at its discretion—

(*a*) provide for the registration of births and deaths within the District, subject to such conditions as the Government may impose in this behalf;

(*b*) with the sanction of the Government, either singly or in combination with the Government or any other District Board construct and maintain within, or partly within and partly without the area under its authority, a railway or tramway and do all lawful acts which may be necessary in that behalf; and

(*c*) with the sanction of the Government, from time to time guarantee the payment from the District Fund of such sums as it shall think fit as interest on capital expended on any railway, tramway or other works which may directly improve the means of communications within the District or between the District and other Districts.

District Board may with the consent of owners take over and repair works.

46. A District Board may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein, and after such agreement may declare by notice in writing put up thereon or near thereto that such road, bridge, tank, ghat, well, channel or drain has been transferred to the District Board. Thereupon the property therein shall be vested in the District Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the District Fund.

Government may place roads and other property under District Board.

47. It shall be lawful for the Government from time to time to direct that any road, bridge, channel, building or other property, moveable or immoveable, which is vested in Government and which is situated within a District, shall, with the consent of the District Board of such District, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the District Board for the purposes of this Regulation; and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

Power of Government to resume property.

48. It shall be competent to the Government from time to time by notification to resume any property placed under the control of a District Board under Section 47 on such terms as the Government may determine.

District Boards may undertake construction, repair and maintenance of Government buildings.

49. It shall be lawful for a District Board from time to time to undertake, on behalf of the Government and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of the Government:

Provided that the cost of such construction, repair and maintenance shall be defrayed by the Government.

CHAPTER V.

POWERS, OFFENCES AND PENALTIES.

Power to turn, divert, discontinue or close road.

50. A District Board may, with the sanction of the Government, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in, the District Board.

Power to permit temporary occupation or use of roads or places vested in the Board.

51. The President of a District Board may, subject to the bye-laws made in this behalf, permit the temporary occupation or use of a road or land vested in the Board for the erection of pandals or use on the occasion of fairs and festivals, or for any approved purpose.

Control of unwieldy traffic.

52. Subject to such rules as may be prescribed by the Government in this behalf and to the bye-laws to be framed by the District Board, it shall be lawful for a District Board to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle licensed by the Deputy Commissioner under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, except under a license issued by the President and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

Establishment of ferries.

53. (1) A District Board may, subject to such rules as may be prescribed by the Government, establish public ferries for the conveyance of passengers, vehicles, animals and goods.

(2) It shall be lawful for the person in charge of a public ferry to refuse to carry any passenger, vehicle, animal or goods, if the proper fee is not paid on demand.

Markets, slaughterhouses and cart-stands.

54. (1) All markets, slaughterhouses and cart-stands constructed and maintained out of the District Funds shall be deemed to be public markets, public slaughterhouses and public cart-stands, respectively, and no public market shall be opened by a District Board without the previous sanction of the Government.

(2) No private person shall continue to keep open a private market, slaughterhouse or cart-stand lawfully established prior to the commencement of this Regulation, unless he obtains from the District Board a license in writing to do so.

(3) Except as provided in sub-section (2), no person shall after the commencement of this Regulation, open or keep open a private market, slaughterhouse or cart-stand.

(4) No person shall sell or expose for sale any article or animal in any unlicensed private market.

Use of premises for certain purposes to be made after obtaining license.

55. Subject to the provisions of the Village Panchayet Regulation, it shall be lawful for a District Board to notify that no place within the area under its authority shall, after sixty days from the date of such notification, be used for any one or more of the purposes specified in Schedule II without a license from the President of the Board and except in accordance with the conditions specified therein.

Licenses.

56. (1) All applications for licenses and permissions under this Regulation may be disposed of by the President of the District Board; but when a license is refused, the person aggrieved by his order shall have the right of appeal to the District Board whose decision shall be final.

(2) A license under this Regulation shall be granted only on payment in advance of a fee at such rates as may be prescribed and it shall be lawful for the President to suspend a license granted for default of any of the conditions subject to which it was issued.

(3) Whoever keeps open or uses, without a license or during the suspension of a license, any place for any purpose for which a license is required under this Regulation shall be punished with fine which may extend to 50 rupees and with further fine which may extend to 10 rupees for every day on which such use is continued after the date of first conviction.

District Board's power to make bye-laws.

57. (1) The District Board may, from time to time with the sanction of the Government, make bye-laws and cancel or alter the same so as not to be repugnant to any law in force :—

(*a*) for the general or special regulation, inspection, control of musafirkhanas, travellers' bungalows, rest-houses, cart-stands, markets, slaughterhouses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used by or for animals which are for sale or hire or the produce of which is sold, all places used for the purposes specified in Schedule II and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom ;

(*b*) (i) for regulating all matters connected with sanitation ;

(ii) for empowering the President or any person authorised by him to enter and inspect any building or land and to require that it shall be kept in a proper state for sanitary reasons ;

(*c*) (i) for regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells ;

(ii) for requiring private sources of water-supply used by the public or any section of the public to be kept in good repair, improved or protected from pollution and for payment from the District Fund of a portion or the whole of the expenses incurred for the purpose.

(iii) for setting apart, with the consent of the owner in the case of private sources of water-supply and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water courses and other places and prohibiting the use of such courses for any other purpose or purposes ;

(*d*) (i) for regulating the prevention of nuisances affecting the health, safety or convenience of the public ;

(ii) for requiring that any pool, ditch, tank, pond, well, hole, or any waste or stagnant water or any channel or receptacle of foul water or other offensive or injurious matter which is likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood be cleansed, filled up, drained off or removed or proper measures be taken to abate or remove the nuisance ;

(*e*) (i) for regulating the prevention and spread of dangerous diseases ;

(ii) for prohibiting the use of any source of water-supply, whether private or public, during the epidemics ;

(iii) providing for the inspection of persons travelling by railway or otherwise, and the segregation in hospital, temporary accommodation or otherwise of persons suspected of being infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof ;

(iv) for empowering the President or any person duly appointed by him to enter into any building or premises in which any dangerous infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, in immediate or necessary cases, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases ;

(v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases to be washed or disinfected at places notified by the District Board; and destroying such articles as are likely to retain infection and paying compensation for articles so destroyed;

(*f*) for regulating the use of public roads and the traffic thereon; and for securing cleanliness, safety and order in respect of the same;

(*g*) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any licenses or permissions under this Regulation may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of licenses or permissions and the rents, fees and other charges to be levied for the use of any of the places specified in clause (*a*) or other property belonging to the District Board;

(*h*) for providing for—

(i) the establishment of public ferries and their management;

(ii) the issue of permissions for plying ferry boats, the conditions on or subject to which such permissions may be granted and the fees payable in respect of such permissions;

(iii) the rates of fees that may be levied on passengers, vehicles, animals, goods or the loads that may be carried in any public ferry boat at one trip;

(iv) the safe, speedy and convenient carriage and landing of passengers and property;

(v) the maintenance of ferry boats in good order and the employment of competent men for rowing them;

(vi) the inspection of the ferries and the ferry boats; and

(vii) otherwise for the due discharge of their duty by farmers and ferrymen and other persons employed at a public ferry.

District Board may prosecute.

58. A District Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any bye-law thereunder, and may order the expenses of such prosecution or other proceedings to be paid out of the District Fund;

Provided that no prosecution for an offence under this Regulation or of any bye-law thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrates.

59. Any prosecution under this Regulation or under any bye-law thereunder may be instituted before any Magistrate and every fine or penalty imposed under or by virtue of this Regulation or any bye-law thereunder and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation may be recovered, on application to such Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Power to compromise and compound offences.

60. A District Board may—

(*a*) compromise with any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Regulation or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence.

(*b*) withdraw from prosecutions instituted under this Regulation or under any bye-law thereunder.

(*c*) compound any offence against this Regulation or against any bye-law made thereunder.

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

Damage to any District Board property how made good.

61. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of any District Board shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted. Such value shall be recoverable in the manner provided under Chapter VII.

CHAPTER VI.

FINANCE.

District Fund, its custody and investment.

62. (1) There shall be in each District a fund which shall be called the District Fund, and be administered by the District Board of the District.

(2) It shall be lawful for a District Board to deposit at interest with the Mysore Government Savings Bank or with the sanction of the Government in any Bank in Mysore, any surplus funds in its hands which may not be required for current charges and with the like sanction invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may, from time to time, approve in this behalf, and vary such investment with like sanction or dispose of such securities with the like sanction.

(3) The District Fund over and above what is invested as provided for in sub-section (2), shall be kept in the Government Treasury of the District.

Constitution of District Fund.

63. The following shall form part of, or be paid into the District Fund—

(*i*) the balance of the District Fund and the whole or such portion of the Taluk Funds at the commencement of this Regulation as the Government may direct in this behalf;

(*ii*) such portion of the local cess on land revenue and of other local rates levied or leviable by the Government as may be assigned from time to time for expenditure by the District Board;

(*iii*) all rates, cesses, tolls, fees, fines and penalties paid to or levied by or on behalf of the District Board under this Regulation;

(*iv*) all rents from lands or other properties of the District Board;

(*v*) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise;

(*vi*) all proceeds of land and other property sold by the District Board including sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board and of timber fallen or felled therefrom; and

(*vii*) all sums received by or on behalf of the District Board by virtue of this or any other Regulation.

District Board property and District Fund how to be applied.

64. All property vested in the District Board under this Regulation and all funds received by it in accordance with the provisions of this Regulation and all sums accruing to it under the provisions of any law for the time being in force, shall be applied, for expenditure as provided for in this Regulation.

Provided that all sums made over to or realised by a District Board for any specific purpose shall be applied solely for that purpose.

District Fund where to be expended.

65. Expenditure by a District Board out of the District Fund shall, save as otherwise provided by this Regulation, be made within the area subject to its authority only, but may, with the sanction of the Government be made outside that area for any of the purposes mentioned in this Regulation.